

**GOVERNMENT OF PUERTO RICO
PUERTO RICO PUBLIC SERVICE REGULATORY BOARD
PUERTO RICO ENERGY BUREAU**

NEPR

Received:

Oct 24, 2025

9:19 PM

**IN RE:
LUMA’S ACCELERATED STORAGE
ADDITION PROGRAM**

CASE NO. NEPR-MI-2024-0002

SUBJECT: Joint Motion to Request Approval
of Clarification to Fifth Participant’s Phase I
Standard Offer Agreement

**JOINT MOTION TO REQUEST APPROVAL OF CLARIFICATION TO FIFTH
PARTICIPANT’S PHASE I STANDARD OFFER AGREEMENT**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME NOW LUMA Energy, LLC, and LUMA Energy Servco, LLC (jointly referred to as “LUMA”) and Polaris Power US, Inc. (“Polaris”), through their respective undersigned counsel, and jointly submit respectfully stating and requesting the following:

II. INTRODUCTION

In connection with the Standard Offer Phase 1 (“SO1”) Agreements developed under the Accelerated Storage Addition Program (“ASAP”), LUMA and Polaris are respectfully submitting this motion to obtain the approval of the Puerto Rico Energy Bureau of the Public Service Regulatory Board (“Energy Bureau”) with respect to a proposed clarification of the SO1 Agreement between the Puerto Rico Electric Power Authority (“PREPA”) and Polaris. Polaris has been identified as the “Fifth Participant” in prior LUMA motions.¹

II. RELEVANT PROCEDURAL HISTORY

1. On April 19, 2024, the Energy Bureau issued a Resolution and Order opening the instant docket for the evaluation of the ASAP and related submission processes to follow.

¹ See, e.g., *Request for Approval of Standard Offer Phase 1 Agreement with Fifth Participant*, filed on August 5, 2025.

2. On April 26, 2024, LUMA submitted to the Energy Bureau the ASAP concept for the Energy Bureau's review.²

3. On May 8, 2024, the Energy Bureau issued a Resolution and Order determining that the ASAP concept is aligned with Puerto Rico's energy public policy and is consistent with the IRP³, approving the ASAP concept, and authorizing LUMA and the independent power producers ("IPPs") to proceed with the development of the Standard Offer ("SO") Agreements.

4. On October 18, 2024, LUMA submitted to the Energy Bureau a final draft of the SO Agreement for Phase 1 of ASAP ("SO1 Agreement") for approval, in the form of four (4) SO1 Agreements prepared with respect to four interested IPPs.⁴

5. On November 1, 2024, the Energy Bureau issued a Resolution and Order approving the standard SO1 Agreement submitted with the October 18th Motion, for the four interested IPPs.

6. On August 5, 2025, LUMA submitted to the Energy Bureau for its approval a draft SO1 Agreement with a fifth participant, referred to as a "Fifth Participant", which is Polaris.⁵

7. On August 8, 2025, the Energy Bureau issued a Resolution and Order approving the SO1 Agreement with Polaris and issued directives for its finalization and approval by PREPA's Governing Board.

8. On August 15, 2025, LUMA submitted to the Energy Bureau evidence of submittal of a finalized draft of the SO1 Agreement with Polaris to the PREPA Governing Board.⁶ However,

² See *Motion to Submit ASAP Structure and Concept in Compliance with Resolution and Order issued on April 19, 2024, and Request for Determination of Consistency with Energy Public Policy and IRP*, Exhibit 1.

³ The IRP was approved in part and rejected in part by the Energy Bureau in their Final Resolution and Order dated August 24, 2020 in Case CEPR-AP-2018-0001, in which the Energy Bureau also ordered the adoption and implementation of a Modified Action Plan.

⁴ See *Motion in Compliance with Resolution and Order of October 11, 2024, and Request for Confidential Treatment* ("October 18th Motion"), p. 13 and Exhibit 2 (2a, 2b, 2c and 2d).

⁵ See *Request for Approval of Standard Offer Phase 1 Agreement with Fifth Participant*.

⁶ See *Motion Submitting Evidence of Submittal of Finalized Draft of Phase 1 Agreement with Fifth Participant to PREPA Board of Directors, in Compliance with Resolution and Order of August 8, 2025*.

on August 29, 2025, the Energy Bureau issued a further Resolution and Order authorizing certain additional modifications to the SO1 Agreement form which had been the subject of a motion filed by LUMA on August 27, 2025.

III. REQUEST

9. Polaris respectfully informs the Energy Bureau that it desires to proceed with the execution of the SO1 Agreement. Polaris and LUMA have identified that the methodology to demonstrate Tested Storage Capability (“TSC”) of the Storage Facility under the SO1 Agreement lacks clarity regarding the situation in which a Resource Provider seeks to use expanded capacity, which is an option the Resource Provider otherwise has under the SO1 Agreement. This lack of clarity may have the effect of restricting the ability to pursue expanded capacity and which Polaris may seek to explore under the SO1 Agreement. To address this lack of clarity, Polaris and LUMA hereby propose to incorporate language expressly addressing the methodology to demonstrate TSC in the case of expanded capacity, as shown in Exhibits 1 and 2, which contain Polaris’ SO1 Agreement incorporating the revised TSC clause, in a clean and redline version showing the changes made to the current provision. Polaris further submits that it stands ready to execute the SO1 Agreement if this revised provision is incorporated in the SO1 Agreement.

10. LUMA confirms the proposed revised provision and methodology are consistent with the overall objectives of the SO1 Agreement and ensures that the capacity payments under the SO1 Agreement are made for properly tested dispatch of maximum capacity in the case of expanded capacity for Polaris and for any other SO1 proponent that seeks expanded capacity. LUMA respectfully submits that, with this clarification, the SO1 Agreement continues to be cost-effective, promotes the expeditious deployment of BESS, and represents considerable value to ratepayers.

11. In view of the above, Polaris and LUMA jointly request this Honorable Energy Bureau to approve the proposed clarification of the TSC provision discussed in this motion, as shown in Exhibits 1 and 2.

12. LUMA respectfully requests the Energy Bureau to maintain Exhibits 1 and 2 herein confidential as containing trade secrets, *see, e.g.*, Act 80-2011, PR Laws Ann. Tit. 10, §§ 4131-4144 (2023) and pursuant to the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009 issued on August 31, 2016, as amended by the Resolution dated September 16, 2016. Pursuant to Section A.2 of the Energy Bureau's Policy on Management of Confidential Information, LUMA will be submitting a Memorandum of Law in support of this request within the next ten (10) days.

WHEREFORE, LUMA and Polaris respectfully request that the Energy Bureau **take notice** of the above; **approve** the proposed clarification of the SO1 Agreement described in this motion, as shown in Exhibits 1 and 2; and **order** the Clerk of the Energy Bureau to maintain Exhibits 1 and 2 under seal of confidentiality.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on the 24th day of October 2025.

We hereby certify that this motion was filed using the electronic filing system of this Energy Bureau and we will send a courtesy copy of this motion to hrivera@jrsp.pr.gov, oramos@pmalaw.com, and agraitfe@agraitlawpr.com.



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Exhibit 1

[Submitted under Seal of Confidentiality]

Exhibit 2

[Submitted under Seal of Confidentiality]